HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri H.L. Dattu, C.J.

Writ Petition No.2901 of 2003

Petitioners :

1. Tikam Yadav, S/o Late Kanhaiya Yadav, aged about 38 years, M.A. Hindi Typist w.e.f. 01.12.86 General Forest Division, Raipur Distt. Raipur(C.G.)

2. Smt. Adlina Devid, W/o K.K.Devid, aged about 41 years, B.A.Typist, appointed on 01.06.85 General Forest Division, Raipur Distt. Raipur (C.G.)

3. Abdul Nasir Khan, S/o Late Shri Abdul Khalil Khan, aged about 37 years, Higher Secondary, Hindi Typist appointed on 01.04.86 General Forest Division, Raipur Distt. Raipur (C.G.)

4. Smt. Gopa Bhattachaarya W/o Shri A.K.Bhattacharya, aged about 40 years, B.A., Hindi Typist, appointed on 01.04.86 General Forest Division, Raipur Distt. Raipur (C.G.)

5 Hemlal S/o Late Kanwal Singh Nirmalkar aged about 39 years, Higher Secondary, appointed on 01.07.87 General Forest Division, Raipur Distt. Raipur (C.G.)

6. Lav Kumar Verma, S/o Late Shri Dayaram Verma, aged about 38 years, Higher Secondary, appointed on 04.03.87 General Forest Division, Raipur Distt. Raipur (C.G.)

7. Diwakar Chopkar, S/o Late Som Rao Chopkar, aged about 40 years, M.A., Hindi Typist, appointed on 01.08.87 General Forest Division, Raipur Distt. Raipur (C.G.)

8. Hariram Sahu, S/o Late RAmsingh Sahu, aged about 39 years, Higher Secondary, appointed on 22.07.85 General Forest Division, Raipur Distt. Raipur (C.G.)

9. Hridesh Kumar Sinha, S/o Late Mikundram Sinha, aged about 41 years, Higher Secondary, appointed on 31.12.81 General Forest Division, Raipur Distt. Raipur (C.G.)

10. Nirmal Kumar Sharma, S/o Shri Krishna Kumar Sharma, aged about 40 years, B.Com, appointed on 30.12.88 General Forest Division, Raipur Distt. Raipur (C.G.)

11. Krishna Singh, S/o Shri Makhan Singh Thakur, aged about 45 years, appointed on 01.04.86 General Forest Division, Raipur Distt. Raipur (C.G.)

12. Vishnu Kant Mishra, S/o Shri Shiromani Mishra, aged about 36 years, Higher Secondary, Typist, appointed on 01.01.86 General Forest Division, Raipur Distt. Raipur (C.G.)

13. Keshv Yadav, S/o Shri Bhikham Yadav, aged about 38 years, D.C.A. Computer, appointed on 01.01.88 Forest Management Information, System Distt. Raipur (C.G.)

14. Mohd. Nasir Khan, S/o Shri Jaheer Khan, aged about 39 years, B.Com., appointed on 28.03.87 General Forest Division, Raipur Distt. Raipur (C.G.)

15. Narendra Kumar Sahu S/o Shri K.R.Sahu, B.A. (First Year), appointed on 14.10.86 General Forest Division, Raipur Distt. Raipur (C.G.)

16. Mulchand, S/o Late Shri Kanhaiyalal Yadav, 8th, Peon appointed on 28.02.88 General Forest Division, Raipur Distt. Raipur (C.G.)

17. Sunil Parihar, S/o Shri Gulab Singh Parihar 5th, Peon appointed on 05.07.88 General Forest Division, Raipur Distt. Raipur (C.G.)

18. Phekuram Verma, S/o Shri Dukhuram Verma, 8th, Peon appointed on 01.03.83 General Forest Division, Raipur Distt. Raipur (C.G.)

19. Ashraf Khan, S/o Shri Subhan Khan 4th, Peon, appointed on 31.12.85 General Forest Division, Raipur Distt. Raipur (C.G.)

20. Bisnath Sahu, S/o Shri Tikaram Sahu 5th, Peion appointed on 21.12.79 General Forest Division, Raipur Distt. Raipur (C.G.)

21. Birendra Masih, S/o Shri John Masih Das, 7th, Peon appointed on 31.12.79

General Forest Division, Raipur Distt. Raipur (C.G.)

22. Basant Yadav S/o Shri Sirban Yadav 6th, Peon appointed on 01.07.84 General Forest Division, Raipur Distt. Raipur (C.G.)

23. Makardhvaj Bagarti S/o Shri Chhotelal Bagarti 12th, Hindi Typist appointed on 10.10.88 General Forest Division, Raipur Distt. Raipur (C.G.)

24. Krishna Kumar, S/o Shri Mayaram Sahu 8th, Chowkidar appointed on 31.12.87 General Forest Division, Raipur Distt. Raipur (C.G.)

25. Shesh Narayan Vaishnav, S/o Shri Bhagwat Vaishnav, Higher Secondary, appointed on 10.10.85 General Forest Division, Raipur Distt. Raipur (C.G.)

26. Shyam Kumar Sahu, S/o Shri Phiranta Sahu 10th Fail, appointed on 01.07.85 General Forest Division, Raipur Distt. Raipur (C.G.)

27. Chhabilal Verma, S/o Shri Heeralal Verma Higher Secondary, Peon appointed on 01.06.83 General Forest Division, Raipur Distt. Raipur (C.G.)

28. Amrit Lal, S/o Nadhoram Yadav, aged about 40 years, Fifth, Chowkidar, appointed on 01.11.81

29. Mirja Rahim Beg, S/o Mirja Karamat, aged about 45 years, Eirth Wireless Operator, Appointed on 30.09.88

30. Kishore Kumar, S/o Puran Lal, aged about 41 years, Higer Secondary, L.D.C. appointed on 01.12.86

31. Jaywant, S/o Shankerlal Meshram aged about 42 years, Higher Secondary, L.D.C. appointed on 25.02.85

32. Vishwanath S/o Goverdhan Sinha, aged about 36 years, Eirth Wireless, appointed on 30.04.88

33. Bodhram, S/o Kartik Sinha, aged about 53 years, Fourth, appointed on 07.09.85

34. Sumer Singh s/o Sadaram Dhruw, aged about 48 years, Third, Chowkidar, appointed on 01.03.85

35. Shiv Kumar, S/o Basant Dubey, aged

about 42 years, Eirth Beriyar Sahayak, appointed on 01.07.87

36. Smt. Lagnibai, W/o Uttam Dhruw, aged about 43 years, Seventh, Ropni Work, appointed on 17.04.88

37. Sharif Khan, S/o Vajir Khan, aged about 44 years, Fifth, Beriar Sahayak, appointed on 01.05.88

38. Smt. Ramshila W/o Santram Dhruw, aged about 32 years, Fourth, Ropni Work, appointed on 01.12.88

39. Vyas Narayan S/o Kashiram Sinha, aged about 42 years, Sixth, Berier Sahayak,

40. Rajuram, S/o Phulsingh, aged about 37 years, Third, Chowkidar, appointed on 30.10.87

41. Ashok Kumar, S/o Bishali Sinha, aged about 39 years, B.A. II, L.D.C., appointed on 04.01.82

42. Lalaram, S/o Jethuram Sahu, aged about 35 years, Chowkidar, appointed on 31.12.88

43. Kriparam, S/o Anandi Sahu, aged about 48 years, Eirth appointed on 20.12.82

44. Tularam, S/o Kalanath Sinha, aged about 52 years, Fifth, Chowkidar, appointed on 30.07.85

45. Hiraman, S/o Baisakhu Sahu, aged about 34 years, Seventh appointed on 30.09.86

46. Chowaram S/o Lakhan aged about 41 years, B.A. Wireless Operator appointed on 31.10.79

(Petitioner No. 28 to 46 are working under Mahasamund Forest Division, Mahasamund, Distt. Mahasamund)

47. Krishna Kumar, S/o Ishwerlal Sahu aged about 37 years, B.A., L.D.C. appointed on 04.08.86

48. Vishnu Prasad, S/o Mehatruram Nishad, aged about 34 years, Tenth Chowkidar, appointed on 05.09.87

49. Shyamlal, S/o Shri Jailal Dadsena, aged about 34 years, Higher Secondary, Timber Recorder, appointed

on 25.03.88

50. Baliram S/o Mangluram Sahu, aged about 46 years, Higher Secondary, Wireless Operator, appointed in 1982

51. Yadoram, S/o Jawaher Gond, aged about 34 years, Eirth Chowkidar, appointed on 19.08.88

52. Santosh Kumar, S/o Sukhdeo Sahu, aged abourt 39 years, Eirth appointed on 01.07.83

53. Rameshwar, S/o Samaru Sahu, aged about 38 years, Higher Secondary, Beriar Sahayak, appointed in 1987

54. Komal, S/o Rajuram Yadav, aged about 36 years, B.Com., L.D.C., appointed on 01.01.87

55. Kaliram, S/o Rajuram Yadav, aged about 41 years, Eirth, appointed on 01.09.1983

56. Santram, S/o Jodhuram Sahu, aged about 43 years, 12th Board Pass, appointed on 14.01.1983

57. Ramsingh S/o Chhotan Mahar, aged about 51 years, Sixth, Gurad, appointed on 01.07.1982

58. Ghanshyam Baya, S/o Asharam Baya, aged about 33 years, Tenth, Wireless Operator, appointed on 09.09.1987

59. Rajkumar Kenwat, S/o Sukhitram Kenwat, aged about 31 years, Fifth Board, Guard, appointed on 01.03.1987

60. Shri Vir Singh, S/o Thanuram Sahu, aged about 36 years, Higher Secondary, Chowkidar appointed in 1986

61. Vijeram S/o Sukhpal, aged about 42 years, 8th, Chowkidar appointed in 1987

62. Laxmi Narayan Sone, S/o Dharam, aged about 37 years, Seventh, Chowkidar appointed on 1984

63. Anil Kumar, S/o Domar Singh, aged about 31 years, Eirth, Chowkidar appointed on 1986

64. Tulsi Ram, S/o Baisakhu Ram Yadav, aged about 48 years, Fifth Board, Guard, appointed on 1986

65. Krishna Puri, S/o Baishal Puri Goswani, aged about 37 years, Eirth, Berier Sahayak, appointed on 1988

66. Shiv Kumar, S/o Dayaram Sahu, aged about 35 years, Eirth Chowkidar, appointed on 01.03.1987

67. Jay Chand, S/o Sadhram Gond, aged about 37 years, Fifth, Chowkidar, appointed on 1986

68. Vishal, S/o Gulab Patel, aged about 51 years, Depot Clerk, appointed on 1987

69. Sattar, S/o Lalle Khan, aged about 38 years, Fifth, Chowkidar, appointed on 14.05.1985

(Petitioner No. 47 to 69 are working under Durg Forest Division, Durg, Distt. Durg, C.G.)

70. Shatruhan lal Verma, S/o Shri Gaindu Lal Verma, aged about 41 years, Metric, Berier Assistant, appointed on 15.06.1983

71. Ashok Kumar, S/o Radhelal Verma, aged about 39 year, B.Com., Berier Assistant, appointed on 01.01.1987

72. Roman Singh, S/o Shri Chop Singh, aged about 42 years, Metric, Berier Assistant, appointed on 1986

73. Vijay Kumar Chandrakar S/o Radhelal, aged about 39 years, Metric Writing Work appointed on 16.05.1987

74. Kayyum Khan, s/o Usman Khan, aged about 35 years, Higher Secondary, L.D.C., appointed on 01.08.1986
(Petitioner No. 70 to 74 are working under Khairagarh Forest Division, Khairagarh, Distt. Rajnandgaon, C.G.

versus

Respondents :

1. State of Chhattisgarh, through : Principal Secretary, Forest Department Govt. of Chhattisgarh, Mantralaya, D.K.S. Bhawan, G.E. Road, Raipur (C.G.)

2. Principal Secretary, General Administration Deptt. Government of Chhattisgarh, Mantralaya, DKS Bhawan

G.E. Raod, Raipur (C.G.)

3. Principle Chief Conservator of Forest, Forest Department, Government of Chhattisgarh, Secretariat, DKS Bhawan Raipur (C.G.)

4. Conservator of Forest, Forest Division/Circle Durg, Distt. Durg(C.G.)

Present : Shri V.G.Tamaskar, counsel for the petitioners.
Shri Sanjay S. Agrawal, Government Advocate for the State.

ORAL ORDER

(Passed on 21st March, 2007)

The petitioners are daily wagers working in the Forest Department of the Government of Chhattisgarh. They are before this Court for a direction to the respondents to regularize their services by applying the law declared by a Division Bench of this Court in Writ Petition No.1781/2003 decided on 19-4-2006.

(2) First and foremost, if I have to follow the decision of a Division Bench of this Court or to follow the decision of a learned Single Judge of this Court, that decision should have declared the position of law. If for any reason, those decisions have not declared any law as such, but have decided the case on the facts and circumstances pleaded therein, it would not be a binding precedent for me. Therefore, the suggestion, that I should dispose of this writ petition only in the way in which Writ Petition No.1781/2003 was decided by the Division Bench of this Court, is not accepted to me.

(3) The petitioners claim that they are daily wagers and working in the Forest Department of the Government of Chhattisgarh. They claim that they are working in the said department from the last two decades, therefore, they are of the opinion that their services require to be regularized.

(4) Before approaching this Court, the petitioners had approached the respondents by making several applications/representations for consideration of their cases for regularization. Since those applications/representations did not get any response from the respondents, they are before this Court in this writ petition filed under Articles 226/227 of the Constitution of India.

(5) The aggrieved persons had gone before the respondents. It is for the respondents to have considered their grievances. Since that has not been done in the instant case, an appropriate direction requires to be issued to the respondents.

(6) Accordingly, the writ petition is disposed of. A direction is issued to respondent No.3 to consider the claim of the petitioners for regularization of their services in accordance with law, as expeditiously as possible, at any rate, within six months from the date of receipt of a copy of this order. Ordered accordingly.

Sd/-
Chief Justice